


Randal S. Mashburn
U.S. Bankruptcy Judge

Dated: 2/16/2018



IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE

IN RE:

MARY PATRICIA SPANN,
828 Joseph Avenue
Nashville, TN 37207

SSN: XXX-XX-3705

Debtor(s).

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) Bk. No. **17-04359-RM3-13**
) Chapter 13
) Judge Randal S. Mashburn
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ORDER RESCHEDULING HEARING ON TRUSTEE'S MOTION TO
DISALLOW CLAIM OF SHELLPOINT MORTGAGE (CLAIM 1)

This matter came to be heard on February 14, 2018, continued from January 17, 2018, continued from December 20, 2017, continued from November 22, 2017, continued from October 25, 2017, upon the Trustee's challenge to the allowability of the claim asserted on behalf of Shellpoint Mortgage, designated as claim 1 on the Court's claims register, and the opposition to the Trustee's application raised by Shellpoint. The Trustee's application to disallow the claim was based, in part, upon the failure of the claim to establish the standing of Shellpoint Mortgage Servicing or Wilmington Savings Fund Society, FSB as trustee, to enforce the Note, originally payable to CitiMortgage. The Trustee also challenged the amount necessary to cure the default under 11 U.S.C. § 1322(b)(5).

At the call of the docket, a request was made for a rescheduling of the Trustee's Application to Disallow the Claim. The Trustee was opposed to the rescheduling but indicating a willingness to allow the matter to be reset provided sanctions were imposed against Shellpoint for its failure to be prepared for the hearing on this matter. The Court found the Trustee's request well-taken. It is therefore

ORDERED, a hearing on the Trustee's Application to Disallow the Claim of Shellpoint Mortgage and, if allowed, establish an appropriate arrearage amount is reset for hearing on March 14, 2018 at 8:30 a.m. in Courtroom 1, 2nd Floor Customs House, 701 Broadway, Nashville, Tennessee 37203; it is further

ORDERED, that, based upon the failure of Shellpoint Mortgage to be prepared for the hearing in this matter, Shellpoint Mortgage is sanctioned the equivalent of a monthly payment which would otherwise be made to the mortgage servicer which amount may be treated as a setoff should this Court allow the claim to the mortgage servicer.

THIS ORDER WAS SIGNED AND ENTERED
ELECTRONICALLY AS INDICATED AT THE
TOP OF THE FIRST PAGE.

APPROVED BY:

/s/ Henry E. Hildebrand, III

Henry E. Hildebrand, III
Chapter 13 Trustee
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CERTIFICATE OF SERVICE

I, the undersigned, hereby certifies that on or before the 16th day of February, 2018, a true and correct copy of the foregoing has been served in the following manner:

Email by Electronic Case Noticing to:

U. S. Trustee
Long Burnett & Johnson, Counsel for Debtor

By U. S. Postal Service, postage prepaid to:

Mary P. Spann, 828 Joseph Avenue, Nashville, TN 37207
Natalie Brown, Rubin Lublin, 119 South Main Street, Suite 500, Memphis, TN 38103

/s/ Henry E. Hildebrand, III

Henry E. Hildebrand, III
Chapter 13 Trustee